

### **REMARKS**

Applicants hereby affirm the election of the invention of claims 1-31 for examination without traverse.

The amendment to claim 1 inserting “microvoids” in place of “void geometry” is supported by the use of the term microvoids at the following page/line: 6/9, 7/16, 10/7, 10/19, 10/27, 12/31. Replacing x/y/z with “x, y, or z” is supported at page 6/20, 7/27, 8/2, 8/8.

Claims 1-30 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to Claim 1, the phrase ‘size’ is indefinite as it is unclear if the voids of each layer are of the same size. For purposes of examination, it will be assumed that the voids are not the same size, and the ‘size’ therefore defines an average size.

Claim 8 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation “microvoids” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 recites the limitation “microvoids” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites the limitation “microvoids” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 stands rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation “microvoids” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation “microvoids” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation “said diffuse light transmission efficiency” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 recites the limitation “said diffuse light transmission efficiency” in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation “microvoids” in line 1. There stands insufficient antecedent basis for this limitation in the claim. Claim 23 recites the limitation “major axis diameter to minor axis diameter” in line 2. There stands insufficient antecedent basis for this limitation in the claim.

Claim 24 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out

and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites the limitation "micovoids" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 24 recites the limitation "major axis diameter to minor axis diameter" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites the limitation "microvoids" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "size" appears clear from the passages relating to the x, y, or z size which provide that the size represents any one of the x, y, or z dimensions (6/21, 7/27, 8/2, 8/8) where x and y are in the machine and cross-machine directions and z is in the direction of light travel. Thus, any one of the x, y, or z dimensions or the frequency of the two layers differs by at least 28%.

The insertion of the term "microvoids" in claim 1 is believed to overcome the rejection of claim 8, 16-19, 21, 26, and claims 23 and 24 in part.

Claims 21 and 22 are amended to remove any concern about the antecedent basis for the term "said diffuse light transmission efficiency".

Claims 23 and 24 appear acceptable as written since they employ the indefinite article "a". Support is found at 17/16.

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (U.S. Patent No. 6,057,961).

With regard to Claims 1-2, 8-14 and 29, Allen et al disclose a light diffuser (film which contains light scatterers, therefore diffusers; column 22, lines 41-62) comprising a polymeric film (polyethylene naphthalate, therefore a polyester; column 22, lines 63-66) wherein the film comprises a plurality of layers (multiplayer, therefore comprising at least two layers; column 22, lines 41-62) having a void geometry (therefore having a circular

cross section in a plane perpendicular to the direction of light travel; column 22, lines 4-14) in which the frequency varies between at least two layers (the number of scatterers changes, therefore arranged in increasing or decreasing size and frequency of voids; column 22, lines 41-62). Allen et al fail to disclose a film in which the frequency varies by at least 28% between layers. However, Allen et al disclose a film in which the frequency varies by at least 1% between layers (the number of scatterers changes, and is not substantially equal for the two layers; column 22, lines 41-62). Therefore the change in frequency would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the change in frequency, since the change in frequency would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Allen et al, in the absence of unexpected results. *In re Boesch and Slaney, 205 USPQ215 (CCPA 1980).*

Applicants respectfully disagree with the Examiners analysis and conclusion. The present invention discloses the diffusion advantage to be obtained by employing a multiplayer having a variation of at least 28% in the x, y, or z dimensions of the voids in the two layers or in the frequency of the voids. The advantage is measured in terms of the % diffuse transmission vs spectral transmission, which is a measure of the efficiency of the diffusion process. The spectral transmission of Examples 6-8 shown in Table 1 are about 8-20 times greater than the present invention. There is no suggestion in Allen that this improvement can be obtained. Allen is not directed to a light diffuser; he is directed to a light redirector. Such film are used to preferentially redirect light in a favored direction such as normal to the viewers plane of view. Allen's Fig 9B makes this clear when he shows a light direction that represents an objective that is anything but uniform diffusion. The light gain is far greater in one direction than another. Allen claims polarizers having the preferential gain to be used as brightness enhancers. Although these materials do cause light to diffuse, they are

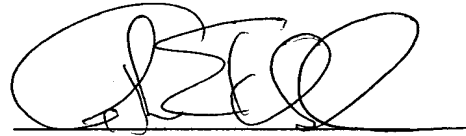
not effective as diffusers, per se. The preferred embodiments of Allen are akin to the comparison examples in the present application where a single voided layer is employed. One skilled in the art would not be motivated by Allen to provide multiple microvoided layers having distinctly different void sizes or frequencies to achieve improved % diffuse transmission.

It is particularly worthwhile to note the diffuse light transmission efficiency (6/3) occasioned by the invention. Dividing the fourth row from the bottom by the third row from the bottom of Table 1, the inventive film exhibits efficiencies of 97.4, 98.3, 98.6, 97.8, 97.3 while the comparisons are 65.1, 74.6 and 78.8, respectively. Thus, the diffuser of the invention is unexpectedly superior to the Allen-like comparison when it comes to preferentially transmitting diffuse and not specular light.

The remaining rejection are directed to details of the dependent claims that are not obvious in view of the demonstrated patentability of claim 1.

The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Kluegel', written over a horizontal line.

Attorney for Applicant(s)  
Registration No. 25,518

Arthur E. Kluegel/dlm  
Rochester, NY 14650  
Telephone: 585-477-2625  
Facsimile: 585-477-1148